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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
14

15 **MARK TITCH,**

Petitioner,

17 v.

18 **ROBERT HERNANDEZ, WARDEN,**

Respondent.

08-CV-0654 J (Wmc)

**RESPONDENT'S EX PARTE
APPLICATION FOR AN
EXTENSION OF TIME TO FILE
THE ANSWER TO THE PETITION
FOR WRIT OF HABEAS CORPUS;
DECLARATION IN SUPPORT
THEREOF.**

Judge: The Honorable
William McCurine,
Jr.

22 TO THE HONORABLE COURT AND PETITIONER MARK TITCH, IN PRO PER:
23 Robert Hernandez, Warden of the Richard J. Donovan Correctional Facility,
24 respectfully applies for an extension of time to file his Answer to the Petition for Writ of Habeas
25 Corpus. On June 2, 2008, Respondent filed a request to stay these proceedings pending the
26 issuance of the mandate in *Hayward v. Marshall*, 512 F.3d 536 (9th Cir. 2008), *reh'g en banc*
27 *granted*, ___ F.3d ___, No. 06-55392 (9th Cir. filed May 16, 2008). To Respondent's knowledge,
28 the Court has not yet ruled on the stay request. The Answer is currently due June 24, 2008.

1 Should the Court deny Respondent's request to stay the proceedings, Respondent respectfully
2 requests a thirty-day extension of time from the date the Court denies the request to file the
3 Answer.

4 The application is based on good cause as set forth in the attached declaration of
5 Linnea D. Piazza. A proposed order is being filed herewith.

6 Dated: June 19, 2008

7 Respectfully submitted,

8 EDMUND G. BROWN JR.
Attorney General of the State of California

9 DANE R. GILLETTE
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12 /s/ Linnea D. Piazza
13
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15 LINNEA D. PIAZZA
16 Deputy Attorney General
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Titch v. Hernandez**

No.: **08-CV-0654 J (Wmc)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 19, 2008, I served the attached **RESPONDENT'S EX PARTE APPLICATION FOR AN EXTENSION OF TIME TO FILE THE ANSWER TO THE PETITION FOR WRIT OF HABEAS CORPUS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

MARK WAYNE TITCH
CDC # B-89549
RICHARD J. DONOVAN
CORRECTIONAL FACILITY AT ROCK
MOUNTAIN
480 ALTA ROAD
SAN DIEGO, CA 92179

IN PRO PER

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 19, 2008, at San Diego, California.

S. Banks

Declarant



Signature

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